IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.171 OF 1990

The State of Maharashtra ...Appellant
Vs.
Shri Shankar Balu Bhopi & Ors. ...Respondents

WITH
FIRST APPEAL NO.172 OF 1990

The State of Maharashtra ...Appellant
Vs.
Shri Chandar Manglya Mhatre & Ors. ...Respondents

Mr K.K. Tated, A.G.P. for the Appellant in both the Appeals.
Mr S.M. Kamble holding for Mr A.P. Mundargi for the Respondent in First Appeal No.171 of 1990.
Mr C.G. Gavanekar for the Respondent in First Appeal No.172 of 1990.

CORAM : ABHAY S. OKA, J.

DATE : APRIL 04, 2006.

JUDGMENT:

1. These two Appeals can be conveniently disposed of by a common judgment and order. The challenge in these Appeals preferred by the State of Maharashtra is to the judgments and awards dated 24th February, 1989 and 21st March, 1989 respectively passed by the learned Civil Judge, Senior Division, Raigad at Alibag. In both the cases, the awards are under section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act). In both the cases, the acquired lands are located at village

Kamothe, Taluka Panvel, District Raigad. The lands were notified for acquisition under section 4 of the said Act on 03rd February, 1970 for the purpose of development of the city of Navi Mumbai. In the award which was made under section 11 of the said Act on 03rd September, 1986, compensation at the rate of Rs.1/- and Rs.2/- per sq.meter was offered to the claimants. By the impugned judgment and awards, the Reference Court has fixed market value at the rate of Rs.12/-, Rs.14/- and Rs.15/- per sq. mtr. for different portions of the land. I have heard Shri Tated, learned A.G.P. appearing for the Appellant in both the Appeals. I have heard Shri Kamble holding for Shri A.P. Mundargi in First Appeal No.171 of 1990.

2. My attention has been invited to a decision of the Division Bench of this Court in the case of Nama Padu Hudar Vs. The State of Maharashtra in First Appeal No.754 of 1986 and other connected matters. By the said decision, the Division Bench dealt with awards made under section 18 of the said Act in respect of lands pertaining to the villages Panvel and Kamothe which were notified for acquisition on 03rd February, 1970 for the same public purpose, namely, development of satellite city of New Bombay. The

decision of Division Bench has attained finality. The Division Bench categorised the lands from the said villages into five categories depending upon its distance from the national highway and Zilla Parishad Road. The minimum rate awarded by the Division Bench is Rs.20/- per sq. mtr. which is much more than the market value fixed by the impugned judgments and awards. As judgment of the Division Bench has attained finality, no interference is called for with the impugned judgments and awards.

3. Hence, First Appeal No.171 of 1990 and First Appeal No.172 of 1990 are dismissed. The State of Maharashtra will pay costs of the Appeals to the Respondents-Claimants.

JUDGE